

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

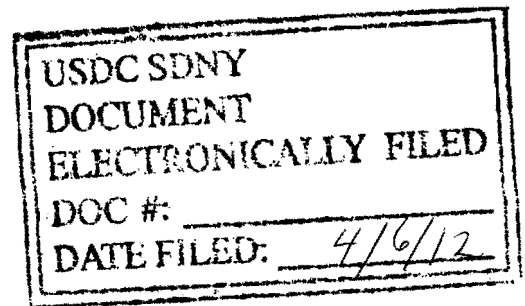
-----X  
**UNITED STATES OF AMERICA**

**- against -**

**VIKTOR BOUT,**

**Defendant.**  
-----X

**SHIRA A. SCHEINDLIN, U.S.D.J.:**



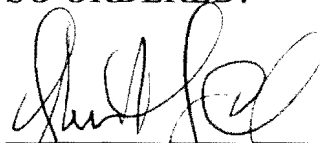
**ORDER**

**08 CR 365 (SAS)**

The Clerk of the Court is directed to docket the following documents attached to this Order:

1. Undated letter from Lisa Bout, the defendant's daughter;
2. April 2, 2012 letter from the Consulate General of the Russian Federation in New York, attaching the following documents:
  - (1) Statement from the Russian Ministry of Foreign Affairs ("MFA") of the Russian Federation dated November 16, 2010;
  - (2) Comments Made by Russia's Official MFA Representative A.K. Lukashevich Regarding the Decision Rendered by the New York Court in the Matter of V.A. Bout dated November 3, 2011;
  - (3) Press Release Regarding the Meeting Between MFA Representative K.K. Dolgov with Representatives of the American Embassy Concerning Bout dated November 10, 2011; and
  - (4) Responses from MFA Representative Dolgov to a Question Submitted by the "Interfax" Agency dated December 19, 2011; and
3. April 4, 2012 letter from Freedom Against Censorship Thailand, which attached an excerpt from an article in the New Yorker entitled "How Casinos in China Made Siu Yun Ping Rich".

SO ORDERED:

A handwritten signature in black ink, appearing to read 'Shira A. Scheindlin', written over a horizontal line.

Shira A. Scheindlin  
U.S.D.J.

Dated: New York, New York  
April 5, 2012

TO: Honorable Shira Scheindlin,  
U.S. District Judge,  
Southern District, New York

Dear Mrs. Scheindlin,

My name is Lisa But, I am the daughter of Viktor and Alla But, their only child. I am a Russian citizen. I am 17 now. When my father, Viktor But, was arrested, I was 12. I could not come to terms with his arrest then, and I still cannot do it now. The pain of what happened to my father never goes away for long, it is always with me.

In Thailand, I went to the Court hearings and often visited my father in prison. I believed then that soon he would be free and our family would reunite. My father had suffered enough when his business collapsed in the early 2000s. I was too small to understand but now I see how hard it must have been for him to see his world collapse slowly before his very eyes. I felt that it would be unfair for him to go through another turmoil after what he had to face then.

So, when he was in that Bangkok prison, I hoped that the nightmare wouldn't last, and my hopes were hugely strengthened by my father's victory in the Court of first instance in Bangkok. But after his extradition all my hopes were ruined.

My family, we are believers. We believe in God and we follow God's Commandments. My Dad taught me love for human beings around me, and he taught me to be responsible and honest with God, with people surrounding me, and with myself.

The young people of my generation in Russia believe, as I believe, that my father is innocent. I haven't been experiencing any discrimination or 'peer pressure' from my classmates at school or my family's acquaintances or from people in the street. Quite the contrary, everybody is trying to help me, to comfort me, they all understand me and my feelings.

When boys and girls of my generation speak of my father's arrest by American agents, I can feel their disapproval and even aggression towards America, towards US foreign policy and Americans in general. I do not wish these emotions to grow in them into an attitude, if and when some of these boys and girls grow up to become politicians, officers of law or Judges.

My Dad teaches me not to blame Americans for our suffering. He says, it is just a few men and women with an agenda who are to blame, and those few do not represent the American people or America as a nation.

My Dad is a good, kind and wise man, and I miss him greatly in my life. I miss him even more now, when I badly need his word and his advice, his approval and his shoulder to cry on, when I am on the brink of entering the most important and dangerous period in my life, adulthood. I want him back with me, as a part of my life and a participant of its main events. I want him to be actively present, as he always was before the arrest. I want him to be at my graduation, at family gatherings and Birthdays of our friends.

I was in the Courtroom in New York when the DEA agents and their informants testified. They were like actors on stage, saying other mans' words written for them and learnt by heart. They were saying terrible untrue things that contributed in dark colors to the gloomy painting presented to the Jury by the prosecutors instead of the real man, my father. That painting was a pure image of evil, and it was that image, not the real man, my father, who was finally handed the guilty verdict.

I do not understand and never will, how some people can play games with real human beings' lives, fate and future. The arrest, and then the verdict, took away from me my Dad, my best friend in this life. They tore apart my little family, which remains a tight and loving family despite the terrible torn wound and the pain we all feel.

I ask God every day to bring us back together again. I love my Mom and my Dad, and I need us to be together. I need my family back.

I know that it may not be the right and correct way to address a Judge, but I do not have any other option. I am asking You to restore my hopes in the future of my family.

Sincerely Yours,

Lisa

**Генеральное Консульство  
Российской Федерации  
в Нью-Йорке**

9 East 91<sup>st</sup> Street, New York, NY 10128



**Consulate General  
of the Russian Federation  
in New York**

Tel.: (212) 348-0926 Fax: (212) 831-9162

April 02, 2012

**Honorable Shira A. Sheindlin**

United States District Judge  
Southern District of New York  
500 Pearl Street

New York, New York 10007

Re: Albert Dayan

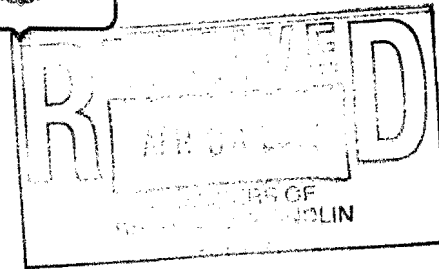
80-02 Kew Gardens Road, Suite 902

Kew Gardens, New York, 11415

Tel. No. (718) 268-9400

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E-mail Address: dayanlaw@aol.com



*The Consulate General of the Russian Federation in New York respectfully applies to Honorable Judge Shira A. Sheindlin with request to consider the unique circumstances of the case of Mr. Victor Bout, citizen of the Russian Federation.*

*Watching attentively for the law process, the Consulate finds Mr. Dayan's arguments made on behalf of Victor Bout in his sentencing letter addressed to your Honor dated March 27, 2012 disturbingly convincing. The prosecution's failure to address the factual assertions made by Mr. Dayan heightens our concerns. But at this point of judicial process we continue to maintain our faith in its impartiality and justice for every man regardless of his nationality.*

*It is hereby confirmed that Mr. Victor Bout has never been convicted or arrested for any crime in the Russian Federation and has never had any criminal records.*

*Additionally please find enclosed a number of statements of the Russian Foreign Ministry and Government that may be useful for this case's assessment.*

*Sincerely yours,*

Andrey K. Yushmanov,

Consul General



**Заявление МИД России об экстрадиции властями Таиланда в США российского гражданина В.А.Бута**

1596-16-11-2010

По имеющейся информации сегодня таиландские власти осуществили экстрадицию в Соединенные Штаты Америки российского гражданина В.А.Бута, который был арестован в Бангкоке в марте 2008 года по выдвинутому США против него обвинению в незаконной поставке оружия террористической группировке. Вопреки двум решениям уголовного суда Таиланда, признавшего вину В.А.Бута недоказанной, этого гражданина Российской Федерации после более двух лет содержания в таиландской тюрьме выдали американским правоохранительным органам. Эти действия, по информации таиландских СМИ, произведены с одобрения правительства Таиланда. С точки зрения закона произошедшее не может иметь рационального объяснения и оправдания.

Не вызывает сомнения, что противоправная экстрадиция В.А.Бута – следствие беспрецедентного политического давления, оказанного США на правительство и судебные власти Таиланда. Все это может быть охарактеризовано не иначе, как вмешательство в осуществление правосудия и ставит под вопрос независимость таиландской судебной системы и принимаемых таиландскими властями решений.

Вызывает глубокое сожаление, что власти Таиланда поддались на политическое давление извне и осуществили противоправную экстрадицию В.А.Бута.

МИД России будет продолжать принимать необходимые меры для защиты законных прав В.А.Бута как гражданина Российской Федерации в соответствии с Конституцией Российской Федерации и нормами международного гуманитарного права.

16 ноября 2010 года

Unofficial translation from Russian

Ministry of Foreign Affairs of the Russian Federation

**Statement from the Russian MFA regarding the extradition of Russian citizen V.A. Bout  
by Thailand authorities to the USA**

1596-16-11-2010

Based on recent information, Thai authorities extradited Russian citizen V.A. Bout to the United States of America today, after his March 2008 Bangkok arrest, on charges filed by the USA, of illegally supplying arms to a terrorist organization. Despite two decisions by the Thailand criminal court acknowledging V.A. Bout's guilt to be illegal, this citizen of the Russian Federation, after being held for more than two years in a Thailand jail, was handed over to American law enforcement authorities. These actions, based on Thailand press reports, were conducted with the approval of the Thailand government. From a legal perspective, the occurred event cannot be rationally explained.

There cannot be any doubt, that V.A. Bout's illegal extradition, was the result of unprecedented political pressure exerted by the USA on the government and judicial authorities of Thailand. All this can be described as, nothing else then, interference into the judicial process, thereby questioning the independence of Thailand's judicial system and the decision made by Thailand authorities.

It causes deep regret, that the authorities of Thailand succumbed to external political pressure and carried out the illegal extradition of V.A. Bout.

The MFA of Russia will continue to undertake all necessary measures in protecting V.A. Bout's legal rights as a citizen of the Russian Federation in accordance with the Constitution of the Russian Federation and the norms of international human rights.

16 November 2010



**Комментарий официального представителя МИД России А.К.Лукашевича в связи с решением нью-йоркского суда по «делу В.А.Бута»**

1700-03-11-2011

В связи с вынесенным присяжными на процессе В.А.Бута в Нью-Йорке обвинительным вердиктом еще раз обращаем внимание, что гражданин России был незаконно экстрадирован из Таиланда под беспрецедентным политическим давлением американских властей. Абсолютно недопустимо, что во время этой «операции» с участием сотрудников спецслужб США, а затем в ходе следствия к нему применялись противоправные методы физического и психологического воздействия, входящие в противоречие с соответствующими международно-правовыми нормами и международными обязательствами США.

Вызывает возмущение, что вокруг «дела В.А.Бута» с прямой подачи структур исполнительной власти США целенаправленно нагнетался негативный фон, препятствовавший объективному рассмотрению фактов. Нельзя считать нормальными и неоправданно жесткие условия содержания российского гражданина, явно призванные заставить его пойти на сделку с «правосудием». Все это ставит под сомнение сами основания, на которых строилось обвинение и, соответственно, справедливость принятого судебного решения.

МИД России будет и далее предпринимать все меры для обеспечения законных прав и интересов В.А.Бута как гражданина России. Наша цель – добиться его возвращения на Родину.

3 ноября 2011 года



Unofficial translation from Russian

**Ministry of Foreign Affairs of the Russian Federation**

**Comments made by Russia's official MFA representative A.K Lukashevich regarding the decision rendered by the New York Court in the matter of V.A. Bout**

1700-03-11-2011

Regarding the jury rendered guilty verdict at the New York trial of V.A. Bout, we once again draw attention to the fact, that a Russian citizen was illegally extradited from Thailand after unprecedented political pressure from American authorities. It is absolutely unacceptable that during the "Operation", in which USA intelligence agents participated in and that during the subsequent investigation, illegal physical and psychological methods were employed in contradiction to existing international legal norms and international commitments made by the USA.

It is of great concern, that the "V.A. Bout Case", has been encircled by efforts stemming directly from the executive authorities of the USA focused on worsening an already negative atmosphere and thereby hindering an objective investigation of the facts. It cannot be considered as normal and justified, the cruel conditions under which this Russian citizen is being held; the only clear intent being for him to cut a deal with the "judicial system". This all casts a doubt, on the accusations used as a foundation for this case to be built on, and accordingly, on the fairness of the courts decision.

The Russian MFA will continue to employ all means necessary to provide legal rights in order to protect the legal interests of V.A. Bout as a citizen of Russia. Our goal is to bring him home.

3 November 2011



## **СООБЩЕНИЕ ДЛЯ СМИ**

### **О встрече Уполномоченного МИД России по вопросам прав человека, демократии и верховенства права К.К.Долгова с представителями американского посольства по делу В.А.Бута**

1746-10-11-2011

10 ноября Уполномоченный МИД России по вопросам прав человека, демократии и верховенства права К.К.Долгов провел встречу с руководством посольства США в Москве в связи с делом В.А.Бута.

С российской стороны была подтверждена принципиальная позиция о незаконности экстрадиции гражданина России из Таиланда в США, продолжающегося беспрецедентного психологического давления на него, что ставит под сомнение объективность всего судебного процесса над нашим гражданином.

Особое внимание было обращено на имеющуюся в Москве информацию о дополнительном ухудшении условий содержания В.А.Бута после обнародования обвинительного приговора жюри присяжных. Подчеркнуто, что Россия продолжит добиваться всеми доступными политико-дипломатическими и правовыми средствами возвращения россиянина на Родину. Отмечено, что данная проблема будет оставаться важным аспектом российско-американского диалога, пока она не будет удовлетворительно решена в соответствии с нормами международного права и законодательства в области прав человека.

10 ноября 2011 года

Unofficial translation from Russian

Ministry of Foreign Affairs of the Russian Federation

**PRESS RELEASE**

**Regarding the meeting between MFA of Russia authorized representative K.K. Dolgov, responsible for issues concerning human rights, democracy and the rule of law, with representatives of the American Embassy regarding the case of V.A. Bout**

1746-10-11-2011

On the 10th of November, MFA of Russia authorized representative K.K. Dolgov, responsible for issues concerning human rights, democracy and the rule of law, met with representatives of the American Embassy regarding the case of V.A. Bout.

The Russian side confirmed it's position of principle regarding the illegal extradition of a Russian citizen from Thailand to the USA and the unprecedented psychological pressure being applied on him; this in turn casts doubt on the objectivity of the entire judicial process taking place in and around our citizen.

Special note was taken after information was received in Moscow regarding the additional deterioration in the detention conditions surrounding V.A. Bout after the public reading of the jury's guilty verdict. It should be emphasized, that Russia will continue its efforts, utilizing all available political, diplomatic and legal means necessary, in order to bring this Russian home. It should also be noted that this present problem will remain an important element in the Russian-American dialogue until it's resolution in accordance with international legal norms and laws pertaining to human rights.

10 November 2011



**Ответ Уполномоченного МИД России по вопросам прав человека, демократии и верховенства права К.К.Долгова на вопрос агентства «Интерфакс»**

2027-19-12-2011

**Вопрос:** Какие усилия предпринимаются российской стороной по делам находящихся в американских тюрьмах российских граждан В.А.Бута и К.В.Ярошенко?

**Ответ:** Мы внимательно следим за развитием ситуаций вокруг этих дел. Вынесение окончательного приговора В.А.Буту назначено на 8 февраля 2012 года. Мы продолжаем рассчитывать на то, что американская Фемида все же займет объективный и беспристрастный подход по его делу. Вместе с тем предварительный вердикт суда присяжных, признавших В.А.Бута виновным по всем пунктам обвинения, оставляет немного шансов на это. Свою оценку мы уже выразили – гражданин России был фактически похищен на территории третьей страны, к нему применялись противоправные методы физического и психологического давления, вокруг его дела целенаправленно нагнетался негативный фон. Все это ставит под сомнение сами основания, на которых строилось обвинение, и, соответственно, справедливость судебного решения. Что касается К.В.Ярошенко, то вердикт американского суда ему вынесен. Мы также уже выражали свои сомнения по поводу обоснованности столь жесткого решения американского правосудия, приговорившего нашего гражданина к 20 годам лишения свободы, в том числе и с учетом того обстоятельства, что он также был насильно вывезен из третьей страны в США, где в ходе следствия к нему применялись недозволенные методы воздействия.

Продолжаем оказывать В.А.Буту и К.В.Ярошенко необходимую поддержку, консульское и правовое содействие. На нынешнем этапе речь идет не только и не столько об обеспечении гуманных условий их содержания в тюрьме (хотя мы также работаем на этом направлении), сколько о возвращении российских граждан на Родину. Твердо намерены задействовать для этого имеющийся международно-правовой инструментарий, в т.ч. соответствующие механизмы Конвенции Совета Европы от 1983 г. о передаче осужденных лиц для отбывания наказания на родине.

Ведем активную работу для достижения этих целей. В контактах с американской стороной, в т.ч. на высоком уровне, последовательно ставим вопрос о необходимости скорейшего возвращения В.А.Бута и К.В.Ярошенко на Родину. Продолжим отстаивать должное соблюдение законных прав и интересов российских граждан. Это – один из приоритетных аспектов российско-американских отношений, тесно связанный с определением их дальнейших перспектив.

19 декабря 2011 года

Ministry of Foreign Affairs of the Russian Federation

**Responses from MFA of Russia authorized representative K.K. Dolgov, responsible for issues concerning human rights, democracy and the rule of law, to a question submitted by the "Interfax" agency**

2027-19-12-2011

**Question:** What efforts are being made by the Russian side regarding the case of Russian citizen V.A. Bout, presently being held in an American jail?

**Response:** We are carefully following the situation developing around this case. The rendering of the sentence is scheduled for February 8th, 2012. We continue to anticipate that the American Justice system will take a objective and unbiased approach to his case. On the other hand, the preliminary rendered guilty verdict, by the jury after trial, on all charged counts, leaves little chance of that. We have already stated our evaluation; a Russian citizen, in fact, was kidnapped on the territory of a third country, underwent the illegal application of physical and psychological pressure and his case was exposed to a heightened, already negative atmosphere. This all casts a doubt, on the accusations used as a foundation for this case to be built on, and accordingly, on the fairness of the courts decision.

We continue to extend all necessary consular and legal support to V.A. Bout. Presently, our efforts are not just limited to providing humane conditions and treatment in the jail (none the less, we continue to monitor these conditions), but on facilitating the return of a Russian citizen to his homeland. We firmly intend to engage all available international laws and agreements, to include the existing 1983 European Council Convention regarding the transfer of convicted individuals to their homeland in order to serve their sentence.

We are aggressively striving to achieve this goal. During our meetings with the American side, including the highest level, we methodically continue to address the near term return of V.A. Bout back to his homeland. We continue to due diligently defend the rights and interests of Russian citizens. This is a priority in all future aspects of the Russian- American relationship and will have a direct bearing on its perspectives.

19 December 2011

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## **Freedom Against Censorship Thailand**

กลุ่มเสรีภาพต่อต้านการเซ็นเซอร์แห่งประเทศไทย

4th April 2012

The Honourable Shira A. Scheindlin  
United States District Judge  
U.S. District Court  
Southern District of New York  
United States Courthouse  
500 Pearl Street  
New York NY 10007-1312

FAX: 212-805-7920

Your Honour:

Although we have had no personal contact, Freedom Against Censorship Thailand (FACT) has been closely observing the case of Viktor Bout since his arrest here in 2008.

Just yesterday I came into receipt of some pertinent information. I have been unable to reach Mr. Bout's attorney of record, Albert Dayan, so I am taking the unusual step of sending it to you by fax in the hope it may assist you with sentencing Mr. Bout tomorrow.

I am appending my editorial comments to an article in the current issue of The New Yorker (April 9), "How Casinos in Macau China Made Siu Yun Ping Rich" by Even Osnos.

The article mentions a 2005 case which facts are identical to those of Mr. Bout. In this case, Jyimin Horng, was given a three and a half to four year sentence.

In the interest of justice and fairness, we urge you to examine this case before you make a decision on sentence.

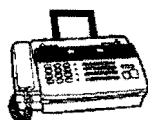
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Yours sincerely,



C.J. Hinke

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Alleged Russian 'illegal' arms dealer Viktor Bout was convicted in the US after his arrest in Thailand in 2008 for conspiracy to supply weapons to Colombia's FARC guerrillas in a DEA sting. He has been demonised in the media as 'Lord of War' and 'Merchant of Death'. Bout faces a life sentence at his sentencing April 5.

Convicted Syrian arms smuggler Monzer al-Kassar was arrested in 2007 in a similar FARC sting in Spain similarly arranged by the DEA. He was sentenced to 30 years in 2009.

However, here's a Macau player who did precisely the same in 2005, without the assistance of the DEA, and got three and a half to four years. If the US has any fair play in the courts and true justice, Bout should not receive a greater sentence.

Note all these cases occurred after 9/11/2001 giving them equal weight. One might call all three of these men "inveterate gamblers" but perhaps that name belongs rightly to the US govt gambling with people's lives.

### How Casinos in Macau China Made Siu Yun Ping Rich

Evan Osnos

The New Yorker: April 9, 2012

[http://www.newyorker.com/reporting/2012/04/09/120409fa\\_fact\\_osnos?currentPage=all](http://www.newyorker.com/reporting/2012/04/09/120409fa_fact_osnos?currentPage=all)

[Excerpt:]

In recent years, U.S. federal agencies, including the F.B.I., the Secret Service, and the Internal Revenue Service, have become increasingly familiar with Macau. In an elaborate smuggling investigation that ended in 2005, undercover F.B.I. agents

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infiltrated a ring that included a Macau citizen named Jyimin Horng, who was accused of importing into the U.S. millions of dollars' worth of counterfeit cigarettes, methamphetamines, and high-quality fake currency known as "supernotes," believed to originate in North Korea. Undercover agents wired Horng payments in Macau in exchange for fake bills at a rate of thirty cents for each phony dollar, smuggled in large bolts of fabric and boxes of toys.

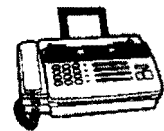
When an F.B.I. agent named Jack Garcia posed as a representative of Colombian FARC guerrillas and asked for weapons, Horng sent him a catalogue, and Garcia ordered anti-tank missiles, grenade launchers, submachine guns, and AK-47s. To lure Horng and others to the United States for arrest, the agency staged a mock wedding for a male and a female agent involved in the sting. Horng and other guests received elegant invitations to a celebration aboard a yacht moored off Cape May, New Jersey.

"I was the best man," Garcia, who is now retired, told me. "We picked them up for the bachelor party and drove them straight to the F.B.I. office." Fifty-nine people were arrested. (Horng pleaded guilty and is serving three and a half to four years.) Based on that case and on other information, the Treasury Department blacklisted Banco Delta Asia, in Macau, for participating in money laundering. The bank denied the claim, but it has been barred from access to the U.S. financial system.

Read more [http://www.newyorker.com/reporting/2012/04/09/120409fa\\_fact\\_osnos#ixzz1qxQxW3xE](http://www.newyorker.com/reporting/2012/04/09/120409fa_fact_osnos#ixzz1qxQxW3xE)

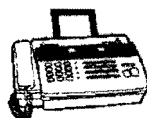
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